

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include formal drawings of FIGS. 1A-8B. These sheets, numbered 1-15 and including FIGS. 1A-8B, replace original sheets 1-15, which include FIGS. 1A-8B. FIGS. 1A-8B have been replaced to comply with 37 C.F.R. §1.84(1).

Attachment: Replacement sheets 1-15

REMARKS

Status of the Claims

The present Office Action addresses claims 1-65, however claims 7-10, 20-21, and 26-65 are withdrawn from consideration. Remaining claims 1-6, 11-19, and 22-25 stand rejected.

Status of Previously Submitted Information Disclosure Statements

All of the art cited in the Information Disclosure Statement submitted by the Applicants on September 14, 2004 has not been noted as considered by the Examiner. Applicants respectfully request the Examiner to initial cite No. AA, U.S. Published Application No. 20030153913.

Amendments to the Claims

Applicants amend claims 1 and 23 to recite that the top and bottom portions include superior and inferior surfaces, respectively, that taper away from one another toward the terminal end. Support for this amendment can be found throughout the specification, for example in paragraph 0048. Claims 4, 6, and 15 are amended to correct minor typographical errors. No new matter is added.

Objections to the Drawings

Formal drawings are attached, as discussed above.

Objections to the Specification

Applicants amend the abstract as indicated on page 2. No new matter is added.

Objections to the Claims

The Examiner objects to claims 4-6 and 14-19 because of various informalities in claims 4, 6, 14, and 15. Applicants amend claims 4, 6, and 15 to correct these errors, thereby obviating the basis for the objection with respect to these claims. With regard to claim 14, the Examiner submits that the term “bore” should be “bores.” Applicants disagree. Claim 14 reads: “*one of the* bore formed in the top portion and the bore formed in the bottom portion” There is only one bore formed in the top portion and one bore formed in the bottom portion, thus the term should not be “bores.” Thus, no amendments have been made to claim 14.

Rejections Pursuant to 35 U.S.C. § 102

Claims 1-6, 12-16, 18, and 22-24 are rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,620,533 ("Mears"). Claims 1-6, 12-16, 18-19, and 22-24 are also rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,277,119 ("Walulik").

As noted above, independent claims 1 and 23 are amended to recite that the top and bottom surfaces taper away from one another toward the terminal end. As explained in Applicant's specification, the taper "allows the top and bottom portions 12, 14 to be compressed toward one another, to further provide a secure connection between the spinal rod 30 and the clamp 10." (Paragraph 0048). Neither Mears nor Walulik teach or even suggest such a feature. To the contrary, both Mears and Walulik disclose clamps having top and bottom surfaces that are planar relative to one another. Accordingly, claims 1 and 23, as well as claims 6, 12-16, 18, 22, and 24 which depend therefrom, therefore distinguish over Mears and Walulik and represent allowable subject matter.

Rejections Pursuant to 35 U.S.C. § 103

Claims 11, 17, and 25 are rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Mears and as obvious over Walulik. At least for the reasons explained above, neither Mears nor Walulik anticipate independent claims 1 and 23. Accordingly, claims 11, 17, and 25 are allowable at least because they depend from an allowable base claim.

Conclusion

Applicants submit that all claims are in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

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Respectfully submitted,

By 

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